

# Forest Oaks II

## *Homeowners Association*

### Board of Directors Meeting October 26, 2023 Minutes

#### **DATE and TIME**

A regular meeting of the Board of Directors for the Forest Oaks II Homeowners Association was held on Thursday, October 26, 2023, at 5:30 p.m. at the Clubhouse.

#### **CALL to ORDER-PRESIDING OFFICER**

JoAnna Medlen called the meeting to order at 5:32 p.m. Judy Tabbert was present.

#### **QUORUM**

A quorum was established with the following directors present:

JoAnna Medlen – President  
Nancy Miller – Vice-president  
Linda Johnston – Secretary/Treasurer  
Jeff Rutledge – Director  
Tonna Collins – Director

#### **MINUTES**

Motion by JoAnna to accept the minutes, seconded by Tonna, motion carried, unanimously approved.

#### **PRESIDENT**

JoAnna thanked all for attending the meeting. Nancy was asked to read the president's report.

#### **COMMITTEE REPORTS**

Nancy reminded homeowners, that when leaving anything for her to please place it in the box she has put up and not to leave it anywhere on her patio or her carport area.

#### **FINANCIALS**

Judy Tabbert presented the August and September financials explaining that the profit was. The August profit was negative due to insurance premium cost. Twenty percent of the total hazard insurance was paid, and the full Directors and Officers insurance premium was paid. Judy turned financials over to Elizabeth to share reserves. Elizabeth addressed the reserves and how the increase of lawncare cost under the new contract would impact the budget, but fortunately the Board had secured a good contract with Renovia to do the painting. Motion by Tonna to approve financials, seconded by Jeff, motion carried, unanimously approved.

#### **OLD BUSINESS**

JoAnna asked Judy to review the process of requesting management company proposals. Judy reported the proposals were sent to 6 companies: PMI Whiskey Trail, Community Management Associates, Timmons Management, Red Realty Management, Ghertner Property Managers, and Property Solutions of Middle Tennessee. Property Solutions of Middle Tennessee was sent a proposal request after the August board meeting. Property management companies interested in managing Forest Oaks II HOA were to respond by September 15, 2023. Two of the seven companies contacted returned a proposal, PMI Whiskey Trail, and Ghertner Property Managers. Timmons Management responded with several phone calls but did not submit a proposal. Ms. Burke, of Timmons Management, stated that Forest Oaks II's financials were in great shape

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based on information on the website and after visiting the property noted that the property looked really good. That they (Timmons) could not do better, but understood it was a lot of work. Red Realty's response was that they did not feel they had the staff to manage and provide the services required of a property the size of Forest Oaks II. Community Management Associates and Property Solutions of Middle Tennessee did not respond or submit a proposal. Judy asked Board members if they had any questions about the property management proposal process. There were no questions.

Nancy read the analysis of the 2 proposals submitted. An analysis of the proposals indicated going with a management company would not reduce the monthly HOA dues. The use of PMI Whiskey trail would require an increase in HOA dues. Also, PMI is a franchise that operates out of Utah and all business goes through the Utah office. The local franchise, Whiskey Trail, only has 3 employees to serve the association they manage. Mr. Harris with Whiskey Trail was invited to address the Board but did not accept the invitation. Ghertner Management submitted a proposal, but it was unclear as to if HOA dues could remain at the same level or would need to increase. Dues would not go down. The fee structure management companies are using has shifted. The base monthly payment only covers certain services and then from there services are somewhat "A la carte". If Ghertner provides services not provided in the base charge, the association would be charged an additional amount outside of the monthly fee and some services would be shifted to the individual homeowner to pay. Ghertner reserved the right to charge the association for any services provided without notice of the charge. It is a little hard to determine what the final actual cost would be to Ghertner. One of the biggest challenges for Ghertner and HOAs right now is insurance coverage. That many HOAs and homeowners were undervalued and under insured and that Ghertner had spent the last 3 months working on this with HOAs. Ghertner would review current insurance policy and coverage and provide guidance to the association but based on information available FO II had addressed but would still review. The board inquired if by grouping with other HOAs through a management company, a management company could help the association get cheaper insurance rates. The Ghertner representative stated that joining with other HOAs through a management company would not result in lower insurance rates and management company cannot get lower rates just because they are a management company. The bottom line is no insurance cost are absorbed by the management company and HOA dues would continue to cover just the master insurance premium cost and not the cost to homeowners to insure the interior of the unit. The association could keep out current attorney and accountant if we choose to do so. But would be charged for the time spent by management staff communicating and working with our attorney. If we choose to use the management company attorney, then the association would no longer have the level of access we do currently for advisement without there being additional charges. Communication with the management company would be charged at the attorney's hourly rate charge. The association may also find its self in the same position it was in before with the management company that thousands of dollars in delinquent dues were owed. Now delinquent accounts are usually dealt with in about 3 months where it was taking months and years before. Also, the association would be charged extra to communicate with the accountant we currently use or if we go with the management company. Which means additional cost on top of the monthly charge. At the interview the Ghertner representative was not clear on whether some costs were included in the base fee per month or would be charged to the association or the individual homeowner. Based on the interview, we know that we would be charged extra for part of the set-up for Board meetings. No attorney would be available for any of the meetings without a charge. If homeowners did not **Volunteer** to complete and break down the set-up for a directors' or Annual meeting, then the management company will hire a vendor to do so and charge the association. Use of Clubhouse. Homeowners would need to volunteer to manage the use of the Clubhouse, the set-up and the clean-up after use or the management company will hire a vendor to do so and charge the association the cost. Some costs on top of the monthly fee are known. Will share a few: Ghertner will charge a \$20.00 late fee in addition to the association late fee of \$10.00. So late fees would change to \$30.00. All letter, copy, or postage costs would be charged to either the association or the individual homeowner. A fee of \$75.00 to \$225.00 will be charged to provide information to mortgage companies or to provide information for refinancing, for resale,

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**Jeff Rutledge** Director **Tonna Collins** Director

on a resale of \$450.00 and the association will not get half of the transfer fee as it now does. On a delinquent account Ghertner will charge a homeowner \$250.00 when it goes into collection status and that is on top of the \$105.00 currently charged by the association for a cost of \$355.00 to the homeowner. One of the big questions the Ghertner representative could not answer was "Who get their money first the Association or Ghertner?" Since being self-managed the Association gets their money first and any legal cost is between the attorney and the homeowner. What the association has experienced in the past is, the management company takes their cut first, attorney second and if any was left it went to the association. Motion by Tonna to not engage a management company at this time, seconded by Jeff, motion carried, unanimously approved.

Nancy presented a clause to insert in the lawncare contract prior to the signing of the contract. The clause will not change the approved cost of lawncare service but would allow each party 30 days prior written notice to dissolve the contract. Motion by Tonna to insert the clause into the lawncare contract prior to signing, seconded by Linda, motion carried, unanimously approved.

The landscaping has not been redone since the property was built and the hard freeze this past winter did significant damage to the landscaping on the property. Will probably need to address landscaping by doing a section at a time. The poor condition of landscaping can affect property values. Motion by Linda for Judy to request landscaping service cost to redo landscaping across the front of Forest Oaks II facing E. Northfield, seconded by Tonna, motion carried, unanimously approved.

Nancy asked Judy to report on delinquent accounts. All delinquent accounts have been resolved.

## **NEW BUSINESS**

Nancy stated Nancy Smith, Lora Nethercutt, Karen Stutzman had requested to address the Board. Speakers were reminded they had 5 minutes each to speak. Ms. Smith stated she requested on 8/22/23 to relinquish her side bed due to health issues. According to the Personal Use Rules and Regulations she had removed plants and was prepared to return the area to grass when she was requested not to do so as the association was going to take over the bed. Why would the Board want to take over a bed that would be more expense to mulch, plant, and water. She thinks the Board should vote on this. Lora Nethercutt spoke to the Board about her experience with Ghertner Management as a management company. She had served on an HOA board and been a homeowner when using Ghertner as a management company. Ghertner dangles a carrot to get an association and then they only have a couple of people that are knowledgeable and then they hire people from Manpower to do the work. Nothing ever gets done and they keep charging the association and homeowners. Ghertner is not proactive, and this is my opinion as a former Board member and homeowner who worked with Ghertner. Karen Stutzman stated she agreed with everything Lora said as a homeowner who had lived in an association managed by Ghertner. She asked everyone to just look around the community. There is good outside lighting, security cameras, the grounds are beautiful, the roofs are done, and painting is scheduled to be done. She loved it at Forest Oaks II, it is just beautiful, and everybody takes care of things. Yes, there are rules we must follow but those rules help keep things nice. She thought not using a management company was the reason Forest Oaks is so nice. Nancy thanked the speakers for addressing the Board.

Nancy recognized Elizabeth. Elizabeth requested that effective October 31, 2023, \$20,000.00 be transferred from Unappropriated funds to the Roof Reserve. Motion by Tonna, that effective October 31, 2023, \$20,000.00 be transferred from Unappropriated funds to the Roof Reserve, seconded by Jeff, motion carried, unanimously approved.

Motion by Tonna that M.B. & Associates to replace any known rotted wood prior to units being painted and replace rotted wood found during the painting, seconded by Linda, motion carried, unanimously approved.

Motion by Linda that M.B. & Associates to clean out gutters as needed, seconded by Tonna, motion carried, unanimously approved.

Motion by Tonna that M.B. & Associates to replace any tongue and groove on the exterior of units as needed and replace board and batten as needed, seconded by Jeff, motion carried, unanimously approved.

Nancy asked Judy to share information on certificate of deposit, CD. Judy reported the SmartBank Raymond James Investments representative, Anthony Watts, had notified the association it will not renew the \$50,000.00 CD as the cost to manage such a small account was not profitable. The CD renews on November 21, 2023. The association's money will be returned to the association's Smart Bank operating account. It will take 4-5 days for the funds to be processed. Motion by Nancy for Judy to check with local banks for favorable 12-15 months CD rates for \$50,000.00, seconded by Tonna, motion carried, unanimously approved.

Motion by Nancy for Judy to check with local banks for favorable 6-9 months CD rates for \$25,000.00, seconded by Tonna, motion carried, unanimously approved.

Nancy asked Elizabeth to share the budget analysis for the proposed 2024 budget. Elizabeth shared the only difference between the 2023 and the 2024 budget is the cost in the lawncare contract that is to go up beginning November 1, 2023. For the past 2 years the association had a very favorable lawncare contract, but due to inflation, increase in labor cost, and fuel cost the yearly cost of the lawncare service has increased by \$50,000.00. But the association hazard insurance has gone down slightly. After taking into consideration budgetary needs for 2024, before the Board are 2 options for consideration. Option 1 would mean no increase in homeowner dues in January 2024. But there is no "free lunch". Likely the Painting Reserves would not be funded in 2024 but would resume funding in 2025. There is enough money in the Painting Reserves to paint in 2024 as we have a very favorable painting contract. The repair of rotten wood is the cost we do not know. As a result, if the Painting Reserves are depleted due to fascia wood repairs and shed repair cost, there would need to be an assessment in 2024 to cover those cost. It will also mean cutting back on other services and expenses, for example, the association would no longer pay for pest control service in individual units. Some homeowners like having their units sprayed and some have indicated they have never used the service and advocated that individual homeowner be charged for pest control. These 2 cuts are still not enough money to cover the increase in lawn care services. So there remains the possibility of an assessment. Option 2 would increase monthly homeowner dues by \$35.00 on January 1, 2024. There has been an increase in homeowner dues in the past 3 years. The association fell behind in 2022 due to the significant increase in insurance. It would likely reduce the need for an assessment in 2024 for repairs to fascia wood and shed repair. The Association would likely be able to continue to provide pest control spraying in individual units. Elizabeth asked the Board questions. A question was asked about pest control. Pest control is not a large part of the budget but is something that may be cut as some homeowner indicated all do not use the service but are paying for the service. Question about insurance cost. Several factors have impacted insurance cost. Previously the association could get an insurance locked in rate for 3 years, but with the increased wild fires, wind, rain, and other extreme weather events 3-year rates are no longer available and rates only seem to continue to increase. Tennessee has been categorized as a "wind vector state" a high-risk magnet for wind. Also, in the past the association could not put out request for insurance bids as the management company dictated what insurance provider would be used. JoAnna challenged the management company forcing the management company to allow association to use a provider other than the management company's preferred provider. Insurance rates decreased for a few years, but then wild

fires and extreme weather events changed rates and not for the good. Elizabeth asked if there were any additional questions. Then encourage Board members to contact her if there were additional questions prior to the December directors' meeting.

Nancy read a survey to possibly send out to homeowners. Motion by Nancy to send the budget survey to all homeowners, seconded by Tonna, motion carried, unanimously approved.

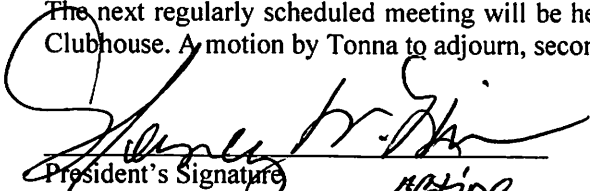
Motion by Linda to mail the proxy, ballot, and the survey with a cover letter to all homeowners, seconded by Tonna, motion carried, unanimously approved.

Judy reported that no account was delinquent on dues.

Motion by Tonna to adjourn, seconded by JoAnna, motion carried, unanimously approved.

**ADJOURNMENT**

The next regularly scheduled meeting will be held on Thursday, December 19, 2023, at 5:30 p.m. at the Clubhouse. A motion by Tonna to adjourn, seconded by Linda, motion carried, unanimously approved.

  
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President's Signature

12/7/23  
Date

  
\_\_\_\_\_  
Secretary's Signature

12-7-23  
Date

*Forest Oaks II*  
*Homeowners' Association*  
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**SPECIAL CALLED BOARD of DIRECTORS MEETING**

November 16, 2023, Minutes

**DATE and TIME**

A special called meeting of the Board of Directors for the Forest Oaks II Homeowners Associations was held on November 16, 2023, at 9:00 a.m. at the Clubhouse.

**CALL to ORDER – PRESIDING OFFICIER**

JoAnna Medlen called the meeting to order at 9:05 a.m. with Judy Tabbert in attendance.

**QUORUM**

A quorum was established with the following directors present:

JoAnna Medlen – President

Nancy Miller – Vice-president

Linda Johnston – Secretary/Treasurer

Tonna Collins- Director

Jeff Rutledge - Director

**ITEMS for SPECIAL CALLED MEETING**

CD rates

Architectural Modification Request

Landscaping Estimates

Unit 1017 Request

JoAnna asked Judy to review the CD rate quotes she had obtained from 14 local financial institutions. Judy reviewed the 6- and 12-month CD rates. The rates provided were for non-account holders as Forest Oaks II does not have an account at any of the 12 financial institutions except SmartBank. Motion by Linda contact Southern Bank of Tennessee to open a CD account for 6 months at 5% with \$25,000.00 and 12 months for 5% with \$50,000.00, seconded by Tonna, motion carried, unanimously carried.

Motion by Linda to approve the Architectural Modification Request for Unit 968 to replace storm doors and the patio fence, seconded by Tonna, motion carried, JoAnna yes, Nancy yes, Linda yes, Tonna yes, Jeff abstained as request involved his unit.

JoAnna asked Judy to report on the estimates provided by landscapers. Landscape estimates were sent to Superior Mulch, Twelve Corners, Mammoth Landscaping Solutions, and Primm's Landscaping. Superior Mulch is now Patterson's Gardening Co. and they "do not actually do plants just mulch". Did not receive an estimate but called on 11/14/23. Did not receive an estimate from Mammoth Landscaping Solutions. Followed up with a call on 11/14/23 and left a follow-up message. Josh called back and said could not bid on this as they had 2 large commercial jobs they were just busy with and could not fit in. But if the association was going to do more landscaping, would like to have an opportunity to give an estimate. Did not receive an estimate from Primm's Landscaping. Followed up with a call on 11/14/23. Was told they were e still working on the estimate. The deadline was 11/13/23 but gave them to 4:00 11/15/23 to provide an estimate. Had not received an estimate by morning of 11/16/2023. Called again and no one answered the call. Twelve Corners Nursery provided an estimate of \$19,000.00. Estimates were to cover the removal of damaged or over growth plants, provide and plant specified plants, remove all debris, and restore area landscaped in the front of Forest Oaks II facing E. Northfield Blvd. Jeff enquired why the associations lawncare contractor had not been included in the estimate request. The Board was satisfied with the lawncare services provided but had not been satisfied with the landscaping services he had provided in the past. Motion by Linda to accept Twelve Corners Nursery estimate and authorizing JoAnna to negotiate the final agreement, seconded by Tonna, motion carried, unanimously approved.

Motion by Nancy for the association's attorney send Mr. Taylor regarding his request to make repairs to his shed at Unit 1017, seconded by Tonna, motion carried, unanimously approved.

#### **ADJOURNMENT**

Motion by Nancy to adjourn, seconded by Jeff, motion carried, unanimously approved.

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**SPECIAL CALLED BOARD of DIRECTORS MEETING**

November 27, 2023, Minutes

**DATE and TIME**

A special called meeting of the Board of Directors for the Forest Oaks II Homeowners Associations was held on November 27, 2023, at 4:00 p.m. at the Clubhouse.

**CALL to ORDER – PRESIDING OFFICIER**

JoAnna Medlen called the meeting to order at 4:00 p.m.

**QUORUM**

A quorum was established with the following directors present:

JoAnna Medlen – President

Linda Johnston – Secretary/Treasurer

Tonna Collins- Director

Jeff Rutledge - Director

**ITEMS for SPECIAL CALLED MEETING**

Date change of December Directors' meeting and Annual Homeowners meeting

JoAnn asked for a motion to move the directors' meeting and annual homeowners meeting from December 7th, 2023, to December 30th, 2023, due to homeowners wanting to be able to attend the city council meeting on December 7th regarding the rezoning of the 16 acre lot at the corner of North Tennessee and East Northfield Blvd. Motion by Tonna to move the directors' meeting and the annual homeowners meeting from December 7 to December 30, 2023 and for residents to be notified by mail of the date change, seconded by Jeff, motion carried, unanimously approved.

**ADJOURNMENT**

Motion by Tonna to adjourn, seconded by Jeff, motion carried, unanimously approved.



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**SPECIAL CALLED BOARD of DIRECTORS MEETING**

November 29, 2023 Minutes

**DATE and TIME**

A special called meeting of the Board of Directors for the Forest Oaks II Homeowners Associations was held on November 29, 2023, at 4:00 p.m. at the Clubhouse.

**CALL to ORDER – PRESIDING OFFICIER**

JoAnna Medlen called the meeting to order at 4:00 p.m.

**QUORUM**

A quorum was established with the following directors present:

JoAnna Medlen – President

Vice-president – Nancy Miller

Linda Johnston – Secretary/Treasurer

Tonna Collins- Director

Jeff Rutledge - Director

**ITEMS for SPECIAL CALLED MEETING**

Date change of December Directors' meeting and Annual Homeowners meeting

JoAnna asked for a motion to change the annual meeting back to the original date of December 7th, 2023. The date change of December 30, 2023, was too inconvenient for many homeowners. There will still be a few Forest Oaks II homeowners attending the City Council meeting. Motion by Tonna to change the directors' meeting and the annual homeowners' meeting back to December 7, 2023, seconded by Nancy, motion carried, unanimously approved.

**ADJOURNMENT**

Motion by Nancy to adjourn, seconded by Tonna, motion carried, unanimously approved.